

**Camden Select Board
Minutes of Meeting
September 21, 2010**

PRESENT: Chairperson Karen Grove, Vice Chairperson Deborah Dodge, John French, Jr., Morgan Laidlaw, Martin Cates, Town Manager Roberta Smith, and Town Attorney William Kelly. Also present were members of the press and public.

ABSENT: Vice Chairperson Deborah Dodge and Town Manager Roberta Smith

Contents

SELECT BOARD:

1. Public input on non-agenda items

Board member French commented that he had a lot of people stop by at his shop thanking the Select Board, Town Manager, and Town Department heads for keeping the tax rate down.

- 2. Dan Bookham: Windjammer Festival update.** CRL Executive Director Dan Bookham gave an update on the Windjammer Festival that took place over Labor Day weekend. This event could not have happened without the help and support from the Town of Camden and various departments. He commended Fire Chief Farley, Police Chief Roberts and Town Manager Smith for taking a positive and proactive role in the conversation that took place the Wednesday before the event enabling them to make some smart decisions around postponing the festival. After all it turned out to be a wonderful weekend with 1000's of people coming through. The shortening of the event did make a slight impact on their budget but they were fortunate enough last year that they were able to build up a cash reserve which they did have to dip into this year but they did not have to use any town finances or go beyond the bounds of the festival itself to pay for the events over the weekend and again they were able to keep everything free to everyone who attended and took part. In about a month they will have a full financial report to share with the public. Thousands of people came to see the windjammers and it is truly Camden's festival and they would like to see more participation in the planning and execution by the residents of Camden. They would like to steal a few hours from these people to help us make this event better, bigger and certainly more inclusive of the community.

3. Consideration of the following requests to use the Village Green:

- a. Chamber of Commerce on Monday, October 18, 2010 from 8:00 am to 4:00 pm for temporary placement of a 10 ft x 10 ft tent to help direct passengers arriving by bus from the Jewel of the Seas cruise ship.** Dan Bookham stated this request is to place a tent on the Village Green for shore excursions that come into Camden. This tent helps expedite people through town on a workday to avoid traffic congestion without too much impact.

John French made a motion to approve the request to use the Village Green from the Chamber of Commerce on Monday, October 18, 2010 from 8:00 am to 4:00 pm for temporary placement of a 10 ft x 10 ft tent to help direct passengers arriving by bus

from the Jewel of the Seas cruise ship. Martin Cates seconded this motion. The motion passed on a 4-0-0 vote.

- b. Chestnut Street Baptist Church on Sunday, October 10, 2010 from 10:30 am to 12:15 pm for a church service.** This is an annual request by the Church.

John French made a motion to approve the request to use the Village Green by the Chestnut Street Baptist Church on Sunday, October 10, 2010 from 10:30 am to 12:15 pm for a church service. Martin Cates seconded this motion. The motion passed on a 4-0-0 vote.

- c. Revised use request from Pop!Tech for the 2010 annual conference, October 21st through October 23rd.** Opera House Manager Kerry Hadley noted that Pop!Tech has withdrawn their approved use for the tent up for a week and will only have the tent for the one day afternoon break. The new proposed use includes an interactive display over the several days of the conference.

Martin Cates made a motion to approve the revised use for the Village Green from Pop!Tech for the 2010 annual conference for October 21, 2010 through October 23, 2010. John French seconded this motion. The motion passed on a 4-0-0 vote.

Chairperson Grove read the rules and regulations for conducting public hearings in preparation of the public hearings to be held this evening.

- 4. Public Hearing on a proposed Property Assessed Clean Energy (PACE) Ordinance.** A public hearing was held regarding a proposed ordinance to help residents finance energy efficiency improvements to their homes.

Chairperson Grove asked to hear from any proponents. There were none.

Chairperson Grove asked to hear from any opponents. There were none.

Chairperson Gove closed the public portion of the hearing, and Board discussion ensued.

Board members French and Cates expressed concern about how a PACE lien would be handled in the event of a short sale. They described this as a sale at a price below the amount owed on the primary mortgage.

Board member French also said that current economic conditions might lead to people taking out PACE loans when they really couldn't afford to pay them back.

John French made a motion not to move the PACE Ordinance question to the November Special Town meeting Warrant. Martin Cates seconded this motion. The motion failed on a 2-2-0 vote. (Grove and Laidlaw opposed)

Board members Grove and Cates thought that people should have an opportunity to decide the matter for themselves. She said questions that remained on the PACE loans might have been answered in time for a November vote.

Town Attorney Kelly stated because you have a 2-2 tie vote not to approve you need to take a vote to approve and see what happens. If you have a 2-2 vote to approve then you get a deadlock which means something in terms of a vote. A negative vote failing is different than a positive vote failing.

Morgan Laidlaw made a motion to move the PACE Ordinance forward to the November Special Town Meeting Warrant. Karen Grove seconded this motion. The motion failed on a 2-2-0 vote. (French and Cates opposed)

The board agreed that the PACE ordinance was still open to consideration and might appear on a future ballot.

5. *John French made a motion to support the Paper Trade Case Resolution. Martin Cates seconded this motion. The motion passed on a 4-0-0 vote.*

6. **Approval of the Fire Department hose donation and disposal proposal.** The Camden Fire Department through a network of contacts has been presented the opportunity to acquire 2700 feet of 5" large diameter hose from the Stony Hill Fire Department in Bethel, CT. The Bethel, CT Select Board had approved donating the 5" LDH to Jefferson Maine Fire Department but last spring Jefferson had already upgraded their hose by purchasing 1000 feet of our 4" LDH surplus hose. Jefferson Fire Chief contacted Chris to see if we were interested in receiving the 5" LDH that was donated to them through Bethel, CT Fire Department and giving them the remainder of our 2,500 feet of 4" LDH.

We would have to go to Bethel, CT to pick up the hose and Prince's Furniture has made available their delivery truck for us to use in order to pick up the hose. Chief Farley stated this opportunity is beneficial to us operationally and will save Camden taxpayers a significant amount of money. He recommends that we acquire the 5" hose from the Stony Brook Fire Department in Bethel, CT and donate our 4" hose to the Jefferson Fire Department

John French made a motion to approve the acquisition of 5" LDH from the Stony Brook Fire Department and the donation of Camden's 4" LDH to the Jefferson Fire Department and a letter of thanks be sent to Prince's Furniture and the Stony Brook Fire Department. Martin Cates seconded this motion. The motion passed on a 4-0-0 vote.

7. **Approval of the renewal contract for Camden Civic Theatre.** Opera House Manager stated the renewal contract with Camden Civic Theatre Rental is for a one year period. The only change is that we agreed that CCT shall be exempt from paying stage light rental fees through April 1, 2011.

Morgan Laidlaw made a motion to approve the renewal contract with Camden Civic Theatre. John French seconded this motion. The motion passed on a 4-0-0 vote.

8. **Appointment of Don White to the Opera House Committee and consideration of re-designation of Opera House Committee memberships.** Currently there are two alternate vacancies. One of their regular members, John Orlando has agreed to change his

membership from a regular member to an alternate so that Don White may become a regular member.

John French made a motion to appoint Don White as a regular member to the Opera House Committee and reappoint John Orlando as an alternate member. Martin Cates seconded this motion. The motion passed on a 4-0-0 vote.

- 9. Consideration of the proposal to authorize the Town Manager to approve off-site liquor licensing when a proposed event is on Town property.** Opera House Manager Kerry Hadley requested a change in how permission is granted to Opera House renters to either sell or provide beer or wine at receptions/intermissions at their events. Currently the permits require Select Board approval however that is somewhat a cumbersome and long process. A few times this past year at the last minute a renter producer has decided they would like to offer wine or beer and the deadline has past in order to make it on a Select Board agenda. She is requesting that the Select Board give this authority to the Town Manager because it is a more expedient way and it makes the Opera House more user-friendly in this competitive economic age when a renter has many choices as to where they will place their event and the more we can streamline and simply the process it will benefit the town.

Martin Cates made a motion to authorize the Town Manager to approve the issuance of off-premise liquor licenses when a proposed event is on public property. Morgan Laidlaw seconded this motion. The motion passed on a 4-0-0 vote.

- 10.** *John French made a motion to approve the application of Mainely Bartenders for an off-premise liquor license to serve alcoholic beverages for the Camden International Film Festival at the Camden Opera House Thursday, September 30, 2010 from 5:00 pm to 9:00 pm. Martin Cates seconded this motion. The motion passed on a 4-0-0 vote.*

- 11. Approval of the resolution for Tax anticipation borrowing for FY11.** As the tax due deadline of November 1st draws near, the town cash reserves, as always, decline. In anticipation of needing some short term borrowing, the town has obtained a quote from Camden National Bank and has asked the town's Bond Counsel to prepare the associated documents. As we have done in the past, the proposal is for a \$1,000,000 line-of-credit type note through June 30, 2011 at 2.18%. We only draw on the note as needed and repay any amounts borrowed as soon as possible.

John French made the following motion voted by the Select Board for the Town of Camden, Maine as follows:

- (1) That under and pursuant to Title 30-A, Section 5771 of the Maine Revised Statutes, as amended and supplemented, there be and hereby is authorized the issuance of \$1,000,000 principal amount of a tax anticipation note of the Town in anticipation of the receipt of taxes for the municipal fiscal year which commenced July 1, 2010 and ends June 30, 2011.*
- (2) Said Note shall be dated September 24, 2010, shall mature on a date not later than June 30, 2011, shall be signed by the Deputy Treasurer and countersigned by the Chair of the Select Board, shall bear interest at the rate of 2.18% per annum,*

shall be payable at Camden National Bank in Camden, Maine, and otherwise be in such form and bear such details as the signers may determine

- (3) *That said Note is hereby sold and awarded to Camden National Bank.*
- (4) *Said Note is hereby designated a qualified tax-exempt obligations of the Town for the 2010 calendar year pursuant to the Internal Revenue Code of 1986*
- (5) *That all things heretofore done and all action heretofore taken by the Town, its municipal officers and agents in the authorization of said Note are hereby ratified, approved and confirmed and the Deputy Treasurer and Chair are hereby authorized to take any and all action necessary or convenient to carry out the provisions of this voting, including delivering said Note against payment therefor.*

Martin Cates seconded this motion. The motion passed on a 5-0-0 vote.

12. **Consideration of personal property tax abatement for Alan Spanswick for the tax year 2009-2010 in the amount of \$36.99.** Tax Collector Theresa Butler requested an abatement for the this personal property tax account because this business closed during the fiscal year and she has learned that Mr. Spanswick has moved out of the country.

John French made a motion to approve the 2009-2010 personal property tax abatement for Alan Spanswick in the amount of \$36.99. Morgan Laidlaw seconded this motion. The motion passed on a 4-0-0 vote.

13. **Review of the Police activity report on Cuzzys.** The Select Board reviewed 8 complaints of noise and theft, and police activity, at Cuzzy's on Bay View Street. . Police Lieutenant Randy Gagne read the list of complaints that had been filed with the Camden Police Department since the August 2nd Select Board Meeting. The complaints were mostly nuisance (noise), one theft, and one disorderly complaint. The theft complaint was an intoxicated woman who said her purse had been stolen but the security tapes showed that she did not come into the establishment with a purse. There were no other complaints about alcohol-related problems during the period under review.

The board discussed the restaurant's deck, which abuts an apartment building, and questioned whether it was legal for bar patrons to bring alcoholic beverages onto the deck. Chris Cousins stated he cannot serve alcohol on the deck but he does think patrons can take their drinks out there. Lieutenant Gagne stated he has a call into the Attorney General's office because the law says smoking is prohibited in an outdoor eating area or any portion that is open and available for dining and beverage service. The question is if they take the drink outside but not served is smoking allowed on the outside deck.

Chris Cousins, owner of Cuzzy's, presented the board with certificates showing that the majority of his staff received the training required and said the rest would complete the course prior to the October deadline set by the Board.

Fire Chief Chris Farley said he was planning to evaluate the capacity limits for decks and similar structures that are part of licensed establishments, and that such a survey would be part of the fire and safety inspections that are scheduled to begin in January.

John French made a motion to continue with the monitoring of Police activity at Cuzzy's on 21 Bay View Street and review again at the December 21st Select Board meeting. Martin Cates seconded this motion. The motion passed on a 4-0-0 vote.

14. John French made a motion to approve the Warrant for the Special Town Meeting on November 2, 2010 as drafted with removal of Article 9. Martin Cates seconded this motion. The motion passed on a 4-0-0 vote.

15. John French made a motion to confirm the Town Clerk's appointment of Peter Gross as Election Warden for November 2, 2010. Martin Cates seconded this motion. The motion passed on a 4-0-0 vote.

16. John French made a motion to approve the Registrar's office hours for the upcoming November 2, 2010 State General/Referendum Election and Special Town Meeting as the Clerk's regular business hours of Monday through Friday from 8 am – 3:30 pm and the 1st & 3rd Tuesdays from 8:00 am to 6:00 pm. Morgan Laidlaw seconded this motion. The motion passed on a 4-0-0 vote.

17. Martin Cates made a motion to lease commercial passenger space and fisherman's floats for 2011. John French seconded this motion. The motion passed on a 4-0-0 vote.

18. There were no Committee Reports

John French made a motion to adjourn as Select Board and reconvene as Board of Assessors. Martin Cates seconded this motion. The motion passed on a 4-0-0 vote.

BOARD OF ASSESSORS:

19. Approval of stipulation abatement for properties located at 40 Washington Street. Assessors' Agent Wesley Robinson recommended after further discussions with Gray & Associates and information provided by them, an abatement in the amount of \$34,999.90 for 26 residential and 3 commercial condominiums that Knox Mill Properties, LLC owns at 40 Washington Street.

John French made a motion to approve the abatement request on the 40 Washington Street properties for \$34,999.90 as listed. Martin Cates seconded this motion. The motion passed on a 4-0-0 vote.

At 9:20 pm John French made motion to adjourn the meeting. Martin Cates seconded this motion. The motion passed on a 4-0-0 vote.

Respectfully submitted,

Janice L. Esancy
Recording Secretary